

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CELLA EUELL,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06-CV-1154 CAS
)	
UNITED STATES POSTAL SERVICE,)	
)	
Defendant.)	

ORDER

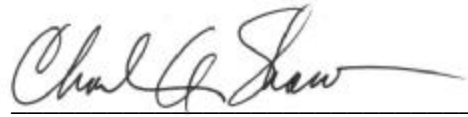
This matter is before the Court on plaintiff's motion for appointment of counsel.

The appointment of counsel for an indigent plaintiff in a Title VII case lies within the discretion of the Court. Once the plaintiff alleges a prima facie claim, the Court must determine the plaintiff's need for counsel to effectively litigate her claim. In re Lane, 801 F.2d 1040, 1043 (8th Cir. 1986). The standard for appointment of counsel in a civil case is whether both the plaintiff and the Court would benefit from the assistance of counsel. Edgington v. Missouri Dept. of Corrections, 52 F.3d 777, 780 (8th Cir. 1995) (citations omitted). Three factors are generally considered relevant in evaluating a motion for appointment of counsel in a Title VII case: (1) the plaintiff's in forma pauperis status; (2) the plaintiff's good faith efforts to secure counsel; and (3) whether plaintiff has established a prima facie claim of discrimination in the pleadings. See Slaughter v. City of Maplewood, 731 F.2d 587, 590 (8th Cir. 1984); Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004-05 (8th Cir. 1984). The Court then attempts to evaluate the plaintiff's capacity to present the case adequately without aid of counsel. See In re Lane, 801 F.2d at 1043.

Giving plaintiff's complaint the liberal construction due to pro se pleadings, however, it does not appear plaintiff filed this action within 90 days of receiving the EEOC's final decision on her appeal. See 29 C.F.R. § 1416.407(c). Plaintiff's motion for appointment of counsel will therefore be denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel is **DENIED** without prejudice. [Doc. 4]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 1st day of September, 2006.